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Attorney for Respondent Anchorage District
Attorney's Office and Susan A. Parkes

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ALASKA

WILLIAM G. OSBORNE,)
)
Plaintiff,)
)
vs.)
)
ANCHORAGE DISTRICT,)
ATTORNEY'S OFFICE; SUSAN A.)
PARKES, DISTRICT ATTORNEY)
in her official capacity;)
ANCHORAGE POLICE DEPT.;)
WALT MONEGAN, ANCHORAGE)
POLICE CHIEF, in his official)
capacity,)
)
Defendant.)
_____)

Case No. 3:03-cv-00118-RRB

AFFIDAVIT

Nancy R. Simel affirms the following to be true and correct:

1. I am employed as an assistant attorney general in the Office of Special Prosecutions and Appeals and have been assigned to represent defendants Anchorage District Attorney's Office and Parkes.

2. Osborne's motion for summary judgment raises a number of procedural and substantive issues, including one of first impression in this circuit. I have completed all of the necessary legal research and have nearly completed a draft of the opposition. I anticipate completing the draft either later this afternoon or tomorrow.

3. Once the draft is complete, it must undergo office review and finalization.

4. Three days is adequate to complete this process and file the opposition.

5. I left a voice mail message for Robert Bundy, Osborne's attorney of record, informing him of my intent to request an extension of three days. As of this writing, I have not heard back from him. I also spoke by telephone with Randall Cavanaugh, Osborne's other attorney of record, informing him of my intent to request an extension of three days. Attorney Cavanaugh stated that he had no authority to non-oppose my request.

Subscribed to and affirmed before me on February 14, 2006.

Nancy R. Smiel

Vivien M. Noll
Notary Public



Certificate of Service

I certify that on February 14, 2006, a copy of the foregoing Affidavit was served electronically on Robert C. Bundy, Randall S. Cavanaugh, Mary B. Pinkel and on David Menschel, 55 5th Avenue, 11th Floor, New York, NY 10003, Peter J. Neufeld, 55 5th Avenue, 11th Floor, New York, NY 10003, Colin Starger, Cardozo School of Law, 55 5th Avenue, 11th Floor, New York, NY 10003, by regular U.S. mail.

s/ Nancy S. Simel